

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 14

REMARKS

Claims 2-18 and 25-68 are pending in the present application. Reconsideration is requested for the following reasons.

The specification has been objected to for failing to provide proper antecedent basis for a motor controller claimed in claims 26-29. The specification has been amended to provide antecedent basis for the term motor controller in the specification. Accordingly, it is believed that the objection to the specification has been obviated.

The drawings have been objected to for not including reference numbers 55, 110a, 128, 21c, 136 and 10e in the figures. Reference numbers 55, 110a and 10e have been removed from the specification. Furthermore, numbers 128, 21c and 136 have been added to Fig. 12 in red ink for the Examiner's review. The drawings have also been objected to because the reference character 74 has been used to designate both the distal end of the front leg and the holder. Reference number 74 used to describe the distal end of the front leg has been changed to number 75 in the specification. Reference number 74 and 74b in Figs. 1, 2 and 10 have also been changed to 75 and 75b, respectively, and are shown in red ink for the Examiner's review. Accordingly, it is believed that the objections to the drawings have been obviated.

Claim 17 has been rejected under 35 U.S.C. §112, second paragraph, for containing the phrase "such as." The phrase beginning with the words "such as" in claim 17 have been cancelled from the claim. Claim 25 has also been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for containing a preamble that contains a device and a body that defines method steps. Claim 25 has been amended to recite a method in the preamble of the claim. Accordingly, Applicant submits that claims 17 and 25 are now definite. If the Examiner has any further questions, the Examiner is requested to call the undersigned at the number below.

The Examiner has indicated that claims 26-29 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims and amended to overcome the objection set forth in the Office Action. As set forth above, the specification has been amended to overcome the objection set forth in the Office Action.

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 15

Furthermore, claim 26 has been rewritten in independent form to include all of the limitations of the base claim. No new subject matter has been added to claim 26. Additionally, claims 27-29 depend from claim 26. Accordingly, it is believed that claims 26-29 are in condition for allowance. A confirmation of allowability of claims 26-29 is respectfully requested.

Claim 9 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,344,231 to Martinez. Claim 9 has been rewritten into independent form and does not contain any subject matter not originally included with the original claim. Claim 9 defines a measuring and layout device including, among other things, a stationary member and an angle and distance device rotatably coupled to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area, wherein the template includes markings written directly onto the stationary member. The prior art of record does not disclose or suggest the above noted features of claim 9. Specifically, Martinez does not disclose a template that includes markings written directly onto a stationary member. In the Office Action, the Examiner states that the stationary member is element 12 in the Martinez patent. However, Martinez does not disclose markings written directly onto the element 12. "A claim is anticipated only if each and every element as set forth in a claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Martinez does not expressly or inherently disclose markings written directly onto a stationary member and therefore does not anticipate claim 9.

Accordingly, claim 9 is in condition for allowance. Furthermore, claim 11 depends from claim 9, and since claim 9 defines unobvious patentable subject matter, claim 11 defines patentable subject matter. Accordingly, claims 9 and 11 are in condition for allowance.

Claim 12 has been rejected under 35 U.S.C. §103 as being unpatentable over Martinez. Claim 12 has been rewritten into independent form and does not contain any subject matter not included in the original claim. Claim 12 defines a measuring and layout device including, among other things, a stationary member and an angle and distance device rotatably coupled to

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 16

the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template, wherein the stationary member has a substantially semi-circular configuration. The prior art of record does not disclose or suggest the above noted features of claim 12. In the Office Action, the Examiner states that it would have been an obvious modification of the Martinez patent to change the shape of the board 12 to a semi-circular shape because the semi-circular shape is absent any criticality. However, as seen in Figs. 7, 8, 12 and 13 of the present application, the semi-circular shape of the stationary member of the present invention allows measurements to be made with less markings on a template than with a circular stationary member because the straight edge 13 of the stationary member allows the stationary member to be placed adjacent a wall or straight edge of the object to be measured. Accordingly, claim 12 is in condition for allowance. Additionally, claims 2-8, 10 and 13-15 depend from claim 12, and since claim 12 defines patentable subject matter, claims 2-8, 10 and 13-15 define patentable subject matter. Accordingly, claims 2-8, 10 and 12-15 are in condition for allowance.

Claim 16 has been rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 4,835,870 to Rauch et al. in view of U.S. Patent No. 6,115,931 to Arcand. Claim 16 has been rewritten into independent form and does not contain any subject matter not originally included in the original claim. Claim 16 defines a measuring and layout device including, among other things, a stationary member and angle and distance device rotatably coupled to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template, wherein the tape has a pivotal pointer at a distal end. The prior art of record does not disclose or suggest the above noted features of claim 16. In order to establish a prima facie case of obviousness, three basic criteria must be met, according to the Manual of Patent Examining Procedure, §706.02(j). These three are repeated as follows. Firstly, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 17

Secondly, there must be a reasonable expectation of success. Thirdly, the prior art reference (or references) must teach or suggest all the claim limitations.

In regard to the first criterion of obviousness, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the reference teachings. First, attaching the adapter assembly 40 and pin attachment 100 as disclosed by Arcand to the measuring tape 19 as disclosed by Rauch et al. would not allow for accurate readings of a map as disclosed by Rauch et al. because the adapter assembly 40 would force the tape 19 to be placed above a surface of the map such that an accurate reading of the map would not be possible. Furthermore, attaching an end of the tape as disclosed by Rauch et al. to a horizontal member would not allow measurements of the map to be taken because Rauch et al. discloses that measurements are taken to central areas of the map, which do not have an immediately adjacent vertical surface next to the points on the map. Accordingly, adding the adapter assembly 14 and pin attachment 100 to the tape as disclosed by Rauch et al. would destroy any usefulness of the device as disclosed by Rauch et al. Accordingly, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the reference teachings. Accordingly, claim 16 is in condition for allowance.

Claim 17 has been rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 3,763,569 to Merlat in view of U.S. Patent No. 4,882,850 to Lindsey. Claim 17 defines a method of measuring and laying out a template of a room including, among other things, providing a stationary member, providing a tape measure, extending the tape measure to a critical feature of an area in a room to be measured, and recording direction and distance information on the stationary member from the tape measure relating to the critical feature. The prior art of record does not disclose or suggest the above noted features of claim 17. Specifically, neither Merlat nor Lindsey disclose recording direction and distance information on a stationary member from a tape measure relating to a critical feature of an area in a room to be measured. Accordingly, claim 17 is in condition for allowance.

Claims 18 and 40-53 depend from claim 17, and since claim 17 defines unobvious patentable subject matter, claims 18 and 40-53 define patentable subject matter. Furthermore,

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 18

in regard to claims 40-42, the prior art of record does not disclose or suggest the method of claim 17, rotatably coupling a carrier to the stationary member and connecting the tape measure to the carrier. Moreover, in regard to claim 44, the prior art of record does not disclose or suggest the method of claim 17, wherein the stationary member includes a board that has non-slip feet. Neither Merlat, Lindsay or Arcand disclose or suggest a stationary member that includes board that has non-slip feet. Likewise, in regard to claim 45, the prior art of record does not disclose or suggest the method of claim 17 and writing information directly onto the stationary member. Additionally, in regard to claim 46, the prior art of record does not disclose or suggest the method of claim 17 and writing information onto a paper placed on the stationary member. Furthermore, in regard to claims 47 and 48, the prior art of record does not disclose or suggest the method of claim 17, wherein the stationary member has a circular or substantially semi-circular configuration, respectively. Moreover, in regard to claim 50, the prior art of record does not disclose or suggest the method of claim 17 and attaching a holder to an end of the tape measure. Likewise, in regard to claim 51, the prior art of record does not disclose or suggest the method of claim 17, wherein the tape measure has a digital readout. Additionally, in regard to claim 52, the prior art of record does not disclose or suggest the method of claim 17 and connecting a pivotal pointer to a distal end of the tape measure. Furthermore, in regard to claim 53, the prior art of record does not disclose or suggest the method of claim 17 and writing a distance of the tape measure from the stationary member to a critical feature on the stationary member and writing angle information on the stationary member signifying an angle of the tape measure relative to the stationary member. Accordingly, claims 18 and 40-53 are in condition for allowance.

Claim 25 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,349,670 to Moxey. Claim 25 defines a method of measuring and laying out an area including, among other things, providing a stationary member having a flat surface adapted to be marked on, rotatably coupling an angle and distance device to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape, and forming an accurate template by reliably marking on the stationary member as the angle and distance device is rotated and the tape is extended and retracted to critical features of

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 19

an area. The prior art of record does not disclose or suggest the above noted features of claim 25. Specifically, Moxey does not disclose or suggest forming an accurate template on the stationary member as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area. Moxey discloses that his measuring instrument is used by first pulling out the tape, then seating the pivot pin 33 in a surface at a desired point and then swinging the housing about the axis of the pivot pin 33 so that the marker means describes the arc or circle of a predetermined radius. See lines 68-75 of column 2, page 2 and lines 1-10 of column 1, page 3. Accordingly, Moxey does not disclose forming an accurate template on a stationary member as a tape is extended and retracted to critical features of an area. Accordingly, claim 25 is in condition for allowance.

Claims 54-68 depend from claim 25, and since claim 25 defines unobvious patentable subject matter, claims 54-68 define patentable subject matter. Furthermore, in regard to claim 57, the prior art of record does not disclose or suggest the method of claims 25 and 54-56, wherein the step of forming a template includes making a mark along a straight edge of a front leg of a carrier. Moreover, in regard to claim 58, the prior art record does not disclose or suggest the method of claim 25, wherein the stationary member is a board. Likewise, in regard to claim 59, the prior art of record does not disclose or suggest the method of claim 25, wherein the board includes non-slip feet. Additionally, in regard to claims 62 and 63, the prior art of record does not disclose or suggest the method of claim 25 wherein the stationary member has a circular or substantially semi-circular configuration, respectively. Furthermore, in regard to claim 64, the prior art of record does not disclose or suggest the method of claim 25, and further including providing the angle and distance device with a tape extender and extending the tape with the tape extender. Moreover, in regard to claim 66, the prior art of record does not disclose or suggest the method of claim 25 and providing an angle and distance device with a digital readout. Likewise, in regard to claim 67, the prior art of record does not disclose or suggest the method of claim 25 and connecting a pivot pointer to a distal end of the tape. Additionally, in regard to claim 68, the prior art of record does not disclose or suggest the claim 25 wherein the step of forming an accurate template includes writing a distance of the tape from the stationary member to the critical feature on the stationary

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 20

member and writing angle information on the stationary member signifying an angle of the tape relative to the stationary member. Accordingly, claims 54-68 are in condition for allowance.

New claim 30 defines a measuring and layout device including, among other things, a stationary member, a carrier rotatably connected to the stationary member and an extendable tape connected to the carrier, the tape being configured to be extended from the carrier and including an edge that facilitates reliably marking on the stationary member to form an accurate template, wherein the carrier includes a tape extender for mechanically extending the tape. The prior art of record does not disclose or suggest the above noted features of claim 30. Specifically, the prior art of record does not disclose or suggest a carrier rotatably connected to a stationary member and an extendable tape connected to the carrier, wherein the carrier includes a tape extender. Furthermore, claims 31-39 depend from claim 30, and since claim 30 defines unobvious patentable subject matter, claims 31-39 define patentable subject matter. Accordingly, claims 30-39 are believed to be in condition for allowance.

All pending claims 2-18 and 25-68 are believed to be in condition for allowance, and a Notice of Allowability is therefore earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

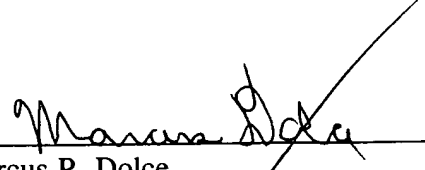
Respectfully submitted,

JOSEPH D. REVNELL

By: Price, Heneveld, Cooper,
DeWitt & Litton

11/21/02
Date

MPD/msj



Marcus P. Dolce
Registration No. 46 073
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 21

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The paragraph beginning on page 6, line 25 has been amended as follows:

The illustrated tape measure 18 includes tape 58 that is frictionally held between the tape roller 52 and the bottom cross bar 57 of the carrier 16. The tape 58 has an upper concave surface with approximately the same radius of curvature as the convex outer circumferential surface 59 of the tape roller 52. As a consequence of the tape roller 52 and the bottom cross bar 57 rotating in opposite directions, the tape 58 held between the tape roller 52 and the bottom cross bar 57 will extend from the carrier 16 when the tape roller 52 is rotated in the counter clockwise direction. Therefore, rotation of the handle 44 in the counter clockwise direction around the axis of rotation of the top cross bar 40 of the tape measure extender 38 will cause the tape 58 to mechanically extend outwardly from the carrier 16, thereby allowing a single person to extend the tape 58 from the carrier 16 without leaving the locality of the carrier 16. In the illustrated embodiment, the tape 58 extends from a housing 35 placed into the carrier 16. Alternatively, the carrier 16 and the housing 35 can be integral and the tape 58 can be inserted into the integral housing 35 and carrier 16. Likewise, in an alternative embodiment, the tape 58 can be integral with the housing 35 and the carrier 16. Furthermore, the tape measure 18 preferably has a digital readout [55] on the top of the tape measure 18 for accurately giving the distance that the tape 58 is extended from the tape measure 18.

The paragraph beginning on page 7, line 10 has been amended as follows:

The illustrated carrier 16 also includes a front leg 60 extending parallel to the stationary member 12 from the bottom wall 34 of the carrier 16 adjacent the bottom cross bar 57. The front leg 60 is a rectangular plate with a width slightly larger than the width of the tape 58 and that extends approximately to the circumference of the circle or semi-circle of the stationary member 12. As described in more detail below, the front leg 60 is used to make the template 20. An inner guide 62 is connected to a top 66 of the front leg 60 adjacent the tape roller 52. The inner guide 62 has a flat panel 64 with a pair of arms 68 that extend upwardly

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 22

and at an angle away from the carrier 16 from opposite ends of an inner edge of the flat panel 64. A rotatable wheel 70 extends between each of the arms and the flat panel 64. The rotatable wheels 70 have a distance between them substantially equal to the width of the tape 58. The inner guide 62 functions to direct the tape 58 as the tape 58 extends from the carrier 16. The illustrated front leg 60 also has an outer guide 72 attached to the top 66 of a distal end [74] 75 of the front leg 60. The outer guide 72 has the same configuration and functions in the same manner as the inner guide 62 to direct the tape 58 in a straight line from the carrier 16. In an alternative embodiment, the front leg 60 has a U-shaped cross section, with the tape 58 located within the U-shaped cross section. The front leg 60 of the alternative embodiment only includes a pin at a distal end of the front leg 60 that extends between the two side walls of the U-shaped cross section. The pin is located above the tape 58 and holds the tape 58 within the side walls of the front leg 60.

The paragraph beginning on page 11, line 9 has been amended as follows:

The reference numeral 10a (FIG. 9) generally designates another embodiment of the present invention, having a measuring and layout device. Since measuring and layout device 10a is similar to the previously described measuring and layout device 10, similar parts appearing in FIG. 1 and FIG. 9, respectively, are represented by the same, corresponding reference number, except for the suffix "a" in the numerals of the latter. In the measuring and layout device 10a, the carrier 16a does not include a front leg 60. The tape 58a of the tape measure 18a is resilient and has a pair of well-defined hard edges 112. The first resilient edges 112 of the measuring and layout device 10a take the place of the straight line 100. Therefore, the lines [110a] 98a drawn on the template 20a are drawn along the resilient edges 112.

The paragraph beginning on page 12, line 9 has been amended as follows:

As seen in Figure 12, the measuring and layout device 10c is used by first placing the straight edge 13c of the semi-circular stationary member 12c along a first edge 126 of the area 22c. The tape 58c is then extended to a first critical feature 128 of the area 22c, with the point

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 23

120 touching the first critical feature 128. When the first critical feature 128 is measured, the second portion 124 of the pivotable pointer 116 is directly above and aligned with the tape 58c. The distance 21c and the line 98c are then written on the template 20c on the stationary member 12c as described above. The tape 58c is then rotated to a second critical feature 130 of the area 22c, with the point 120 touching the second critical feature 128. Once again, the distance 21c and the line 98c is written on the template 20c on the stationary member 12c with the second portion 124 of the pivotable pointer 116 above and aligned with the tape 58c. Thereafter, the tape 58c is rotated to meet a second edge 131 of the area 22a. The pivotable pointer 116 is rotated so that a first straight edge 132 of the pivotable pointer 116 is aligned with the second edge [130] 131. The distance 21c and the line 98c of the blade 58c to the first straight edge 132 are then written on the template 20c on the stationary member 12c as described above. The tape 58c is then finally rotated to meet a third edge 136 of the area 22a. The pivotable pointer 116 is once again rotated so that a second straight edge 133 of the pivotable pointer 116 is aligned with the third edge 136. Furthermore, the distance 21c and the line 98c of the blade 58c to the second straight edge 133 are then written on the template 20c on the stationary member 12c as described above.

The paragraph beginning on page 13, line 13 has been amended as follows:

The reference numeral 10d (FIG. 14) generally designates another embodiment of the present invention, having a measuring and layout device. Since measuring and layout device 10d is similar to the previously described measuring and layout device 10, similar parts appearing in FIG. 3 and FIG. 14, respectively, are represented by the same, corresponding reference number, except for the suffix "d" in the numerals of the latter. In the measuring and layout device 10d, a battery-operated motor and motor controller 150 replaces the crank arm 42 and the handle 44 of the tape measure extender 38d. The battery-operated motor and motor controller 150 [performs] perform the same function as the crank arm 42 and the handle 44 by turning the top cross bar 40d. Alternatively, the battery operated motor and motor controller 150 could be connected to the middle cross bar 48d in order to extend the tape 58d by rotating the tape roller 58d. Therefore, the crank arm 42, the handle 44, the cross bar 40,

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 24

the first pulley wheel 46, the second pulley wheel 54 and the drive belt 56 could be removed from the measuring and layout device 10d. In another alternative embodiment, the top cross bar 40 or the middle cross bar 48 could be configured with a central opening whereby a drill bit of a drill could be inserted axially into the top cross bar 40 or the middle cross bar 48 through the carrier 16 in order to rotate the top cross bar 40 or the middle cross bar 48. Therefore, the battery-operated motor 150 would include the drill and the drill bit. It is contemplated that the motor and motor controller 150 could be operably connected to pinch rollers 150' for extending and retracting the tape (Fig. 14A).

The paragraph beginning on page 13, line 30 has been amended as follows:

[The reference numeral 10e (FIG. 15)] Fig. 15 generally designates another embodiment and method of using [the present invention, having a] an electronic measuring and layout device of the present invention. In the electronic measuring and layout device [10e], the angle and distance device 15e is an electronic angle and distance measuring device 15e. The electronic angle and distance measuring device 15e electronically measures feature location information including the angles and distances from a predetermined point to the critical features 88e of the area 22e to be measured. As seen schematically in Figure 15, the electronic measuring and layout device [10e] is used by first placing the template 20e with a center point on the area 22e to be measured. The electronic angle and distance measuring device 15e is then used to create the template 20e by measuring the angles and the distances from the center point to the critical features 88e of the area 22e. The angles and distances to the critical features 88e are then recording on the template 20e. A sheet 24e of material to be cut is then obtained and the template 20e is placed on the sheet 24e of material. The angle and distance device 20e is then provided in order to identify the critical features 88e from the area 22e on the sheet 22e of material based on the feature location information. Finally, the sheet 24e of material is cut according to the critical features 88e.

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 25

In the Claims:

Claim 1 has been cancelled.

Claims 2, 7, 9-17, 25 and 26 have been amended as follows.

2. (Amended) The measuring and layout device of claim [1] 12, wherein:
the angle and distance device includes a tape measure that incorporates the tape.
7. (Amended) The measuring and layout device of claim [1] 12, wherein:
the stationary member is a board.
9. (Amended) [The measuring and layout device of claim 1, wherein:] A measuring and layout device comprising:
a stationary member having a flat surface adapted to be marked on; and
an angle and distance device rotatably coupled to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area;
wherein the template includes markings written directly onto the stationary member.
10. (Amended) The measuring and layout device of claim [1] 12, wherein:
the template includes markings written onto a paper placed on the stationary member.
11. (Amended) The measuring and layout device of claim [1] 9, wherein:
the stationary member has a circular configuration.
12. (Amended) [The measuring and layout device of claim 1, wherein:] A measuring and layout device comprising:
a stationary member having a flat surface adapted to be marked on; and

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 26

an angle and distance device rotatably coupled to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area;

wherein the stationary member has a substantially semi-circular configuration.

13. (Amended) The measuring and layout device of claim [1] 12, wherein:

the angle and distance device includes a tape measure extender for mechanically extending the tape, thereby allowing a single person to create the template while staying in a single central location.

14. (Amended) The measuring and layout device of claim [1] 12, wherein:

the tape includes an end with a holder attached thereto; and
the holder is configured to secure a writing utensil.

15. (Amended) The measuring and layout device of claim [1] 12, wherein:

the angle and distance device has a digital readout for accurately communicating a distance that the tape is extended from the angle and distance device.

16. (Amended) [The measuring and layout device of claim 1, wherein:] A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked on; and

an angle and distance device rotatably coupled to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area;

wherein the tape has a pivotal pointer at a distal end.

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 27

17. (Amended) A method of measuring and laying out a template of a room[, such as for cutting a carpet for a room floor,] comprising:

providing a stationary member;

providing a tape measure;

extending the tape measure to a critical feature of an area in a room to be measured;

and

recording direction and distance information on the stationary member from the tape measure relating to the critical feature.

25. (Amended) [A measuring and layout device] A method of measuring and laying out an area comprising:

providing a stationary member having a flat surface adapted to be marked on;

rotatably coupling an angle and distance device to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member; and

forming an accurate template by reliably marking on the stationary member as the angle and distance device is rotated and the tape is extended and retracted to critical features of [an] the area.

26. (Amended) [The measuring and layout device of claim 1, further comprising:] A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked on;

an angle and distance device rotatably coupled to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area; and

a motor and motor controller operably connected to the longitudinally and laterally

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 28

rigid tape for extending, retracting and axially rotating the tape;

the motor controller being programmed to record data and create an electronic version of the template.

The following new claims have been added:

30. (New) A measuring and layout device comprising:
 - a stationary member having a flat surface adapted to be marked upon;
 - a carrier rotatably connected to the stationary member; and
 - an extendable tape connected to the carrier, the tape being configured to be extended from the carrier, the tape including an edge that facilitates reliably marking on the stationary member to form an accurate template as the carrier is rotated and the tape is extended and retracted to critical features of an area;

wherein the carrier includes a tape extender for mechanically extending the tape, thereby allowing a single person to create the template while staying in a single central location.
31. (New) The measuring and layout device of claim 30, wherein:
 - the carrier includes a front leg adjacent a top of the stationary member; and
 - the front leg has guides for the tape and a straight edge for making the template.
32. (New) The measuring and layout device of claim 30, wherein:
 - the stationary member is a board.
33. (New) The measuring and layout device of claim 32, wherein:
 - the board includes non-slip feet.
34. (New) The measuring and layout device of claim 30, wherein:
 - the template includes markings written directly onto the stationary member.

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 29

35. (New) The measuring and layout device of claim 30, wherein:
the template includes markings written onto a paper placed on the stationary member.
36. (New) The measuring and layout device of claim 30, wherein:
the stationary member has a circular configuration.
37. (New) The measuring and layout device of claim 30, wherein:
the stationary member has a substantially semi-circular configuration.
38. (New) The measuring and layout device of claim 30, wherein:
the tape includes an end with a holder attached thereto; and
the holder is configured to secure a writing utensil.
39. (New) The measuring and layout device of claim 30, wherein:
the tape has a pivotal pointer at a distal end.
40. (New) The method of measuring and laying out of claim 17, further including:
rotatably coupling a carrier to the stationary member; and
connecting the tape measure to the carrier.
41. (New) The method of measuring and layout out of claim 40, wherein:
the carrier includes a front leg adjacent a top of the stationary member;
the front leg has guides for the tape measure and a straight edge; and
the step of recording information on the stationary member including making a mark
along the straight edge of the front leg.
42. (New) The method of measuring and laying out of claim 40, wherein:
the tape measure is located within the carrier.

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 30

43. (New) The method of measuring and laying out of claim 17, wherein:
the stationary member is a board.
44. (New) The method of measuring and laying out of claim 43, wherein:
the board includes non-slip feet.
45. (New) The method of measuring and laying out of claim 17, wherein:
the step of recording information on the stationary member includes writing
information directly onto the stationary member.
46. (New) The method of measuring and laying out of claim 17, wherein:
the step of recording information on the stationary member includes writing
information onto a paper placed on the stationary member.
47. (New) The method of measuring and laying out of claim 17, wherein:
the stationary member has a circular configuration.
48. (New) The method of measuring and laying out of claim 17, wherein:
the stationary member has a substantially semi-circular configuration.
49. (New) The method of measuring and laying out of claim 17, further including:
providing a tape measure extender for mechanically extending the tape measure; and
extending the tape measure with the tape measure extender.
50. (New) The method of measuring and laying out of claim 17, further including:
attaching a holder to an end of the tape measure;
wherein the holder is configured to secure a writing utensil to the end of the tape
measure.

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 31

51. (New) The method of measuring and laying out of claim 17, wherein:
the tape measure has a digital readout for accurately communicating a distance that the tape measure is extended from the stationary member.
52. (New) The method of measuring and laying out of claim 17, further including:
connecting a pivotal pointer to a distal end of the tape measure.
53. (New) The method of measuring and laying out of claim 17, wherein:
the step of recording information on the stationary member includes writing a distance of the tape measure from the stationary member to the critical feature on the stationary member and writing angle information on the stationary member signifying an angle of the tape measure relative to the stationary member.
54. (New) The method of measuring and laying out of claim 25, wherein:
the angle and distance device includes a tape measure that incorporates the tape.
55. (New) The method of measuring and laying out of claim 54, further including:
providing the angle and distance device with a carrier that is adapted to hold the tape measure.
56. (New) The method of measuring and laying out of claim 55, further including:
pivotal coupling the carrier to the stationary member.
57. (New) The method of measuring and laying out of claim 56, wherein:
the carrier includes a front leg adjacent a top of the stationary member;
the front leg has guides for the tape measure and a straight edge; and
the step of forming a template includes making a mark along the straight edge of the front leg.

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 32

58. (New) The method of measuring and laying out of claim 25, wherein:
the stationary member is a board.
59. (New) The method of measuring and laying out of claim 25, wherein:
the board includes non-slip feet.
60. (New) The method of measuring and laying out of claim 25, wherein:
the step of forming the accurate template includes writing directly onto the stationary
member.
61. (New) The method of measuring and laying out of claim 25, wherein:
the step of forming the accurate template includes writing onto a paper placed on the
stationary member.
62. (New) The method of measuring and laying out of claim 25, wherein:
the stationary member has a circular configuration.
63. (New) The method of measuring and laying out of claim 25, wherein:
the stationary member has a substantially semi-circular configuration.
64. (New) The method of measuring and laying out of claim 25, further including:
providing the angle and distance device with a tape extender for mechanically
extending the tape; and
extending the tape with the tape extender.
65. (New) The method of measuring and laying out of claim 25, further including:
attaching a holder to an end of the tape measure;
wherein the holder is configured to secure a writing utensil to the end of the tape
measure.

Applicant : Joseph D. Revnell
Appln. No. : 09/505,119
Page : 33

66. (New) The method of measuring and laying out of claim 25, further including:
providing the angle and distance device with a digital readout for accurately
communicating a distance that the tape is extended from the angle and distance device.
67. (New) The method of measuring and laying out of claim 25, further including:
connecting a pivotal pointer to a distal end of the tape.
68. (New) The method of measuring and laying out of claim 25, wherein:
the step of forming an accurate template includes writing a distance of the tape from the
stationary member to the critical feature on the stationary member and writing angle
information on the stationary member signifying an angle of the tape relative to the stationary
member.